

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO, *et al.*

Plaintiffs,

v.

CITY OF PASADENA, et al

Defendants.

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Civil Action No. 4:14-cv-03241-LHR

**PLAINTIFFS' UNOPPOSED MOTION FOR EXTENSION OF TIME  
TO FILE APPLICATION FOR ATTORNEYS FEES AND COSTS**

Now come Plaintiffs Alberto Patino, *et al.* ("Plaintiffs") and file this Unopposed Motion for Extension of Time to File Application for Attorney's Fees and Costs. Plaintiffs ask this Court to extend the deadline for their application for attorney's fees and costs until 30 days following resolution of the City's appeal to the Fifth Circuit.

1. On January 16, 2017, the Court entered Judgment in this case pursuant to the Court's Memorandum and Opinion, entered January 6, 2017. *See* Dkt. 162 (Final Judgment and Order of Injunction) and Dkt. 151 (Memorandum and Opinion Setting Out Findings of Fact and Conclusions of Law).

2. Plaintiffs plan to move for attorneys' fees under 42 U.S.C. § 1988 and 52 U.S.C. §10310 (e) because they are prevailing parties and secured final injunctive relief that materially altered the legal relationship of the parties in a manner in which Congress sought to promote in the fee-shifting statutes. *See Sanchez v. City of Austin*, 774 F.3d 873, 879 (5th Cir. 2014).

3. Fed. R. Civ. P. 54 (d) (2) (b) provides in relevant part: "A claim for attorney's fees and related nontaxable expenses must be made by motion . . . Unless a statute or a court order

provides otherwise, the motion must: be filed no later than 14 days after the entry of judgment[.]” Plaintiffs’ attorneys’ fees motion is due January 30, 2017.

4. Following the Court’s entry of Judgment on January 16, 2017, the City moved for a stay of the Court’s remedy on January 17, 2017. This Court denied the City’s request for a stay on January 18, 2017 and the City filed its motion for stay in the Fifth Circuit on January 20, 2017. Plaintiffs filed their response on January 24, 2017 and the City filed a Reply on January 25, 2017. The Fifth Circuit has set the motion for oral argument on February 1, 2017. Due to the fast-moving schedule of briefing and argument on the motion for stay, Plaintiffs have been unable to complete their application for attorney’s fees and costs by the January 30 deadline.

5. The litigation of this case has required the parties to expend substantial time and effort. The parties took and defended over 30 depositions, exchanged hundreds of pages of documents, litigated discovery disputes and a summary judgment motion and presented seven days of trial. Preparation of Plaintiffs’ application for attorney’s fees and costs includes careful review of voluminous attorney time records and documentation of costs, as well as preparation of declarations in support of the application. In order to submit an appropriate application for attorney’s fees and costs, Plaintiffs will need more time for preparation than the 14 days provided under the Rule.

6. Furthermore, because the City has appealed the case to the Fifth Circuit, and the outcome of an appeal is never certain, the parties may not ultimately litigate Plaintiffs’ entitlement to attorney’s fees.

7. In order to preserve the resources of the District Court, as well as the resources of the parties, Plaintiffs request that the Court extend their deadline to file the application for

attorney's fees and costs until 30 days following resolution of the City's appeal to the Fifth Circuit.

8. Fed. R. Civ. P. 6(b)(1)(a) provides that the Court may extend the deadline for submission of a motion for good cause shown. Plaintiffs submit this Motion not for delay, but for the good cause shown. The deadline requested by Plaintiffs will not interfere with the progress of the case and will not cause any undue prejudice to the City.

9. This motion is unopposed by the City.

10. For the reasons set forth above, Plaintiffs respectfully request an extension of time to submit their application for attorneys' fees and costs.

DATED: January 27, 2017

Respectfully submitted,

/s/ Nina Perales

Nina Perales

Attorney-in-charge

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***Counsel for Plaintiffs***

**CERTIFICATE OF CONFERENCE**

I conference with counsel for Defendant Bob Heath on January 27, 2017 and he indicated Defendant is not opposed to the motion.

/s/ Nina Perales  
Nina Perales

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 27th day of January 2017.

/s/ Nina Perales  
Nina Perales